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10/674,380

10/01/2003

Takashi Ishikawa

AKY-0012

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02/14/2005

EXAMINER

FERGUSON, MICHAEL P

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,380

Applicant(s)

ISHIKAWA ET AL.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities:

Claim 3 (line 9) recites "engaged even". It should recite --engaged even when--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayville et al. (US 6,634,252).

As to claim 1, Mayville et al. disclose a one-touch cap for fixing a control cable end to a plate-like bracket **20** having a U-shaped slot **18** inside of which is provided with a stepped latching part **26** in a detachable manner, the one touch cap comprising:

a tubular body having a cable fixing part for fixing a cable end and an internal cavity extending along a longitudinal axis;

a first flange **31** to be engaged with one surface of the bracket and a second flange **34** to be engaged with another surface, both flanges being provided on the outer surface of the body with an interval between the flanges; and

an elastic piece **46** being provided between the first and second flanges; and having a base portion connected to a bottom of the tubular body below the longitudinal axis, an outer surface provided with an engaging claw **24** disposed above the longitudinal axis to be engaged with the stepped latching part of the bracket, and a free end (end of engaging claw **24**) extending upward above the longitudinal axis with the engaging claw positioned between the base portion and the free end (Figures 1-5).

As to claim 2, Mayville et al. disclose a one-touch cap comprising:

a guide part **48** provided between the first flange **31** and the second flange **34** and mating with an inside surface of the U-shaped slot **18**,

wherein the guide part is axially shifted from the elastic piece **46** (Figure 4).

As to claim 3, Mayville et al. disclose a one-touch cap wherein:

the bracket has a second stepped latching part **26**;

the elastic piece has a hook block (second member **24**) in addition to the engaging claw (first member **24**);

the hook block is located near the bottom of the elastic piece **46** and is capable of engaging with the second stepped latching part (examiner notes that the orientation of an object is based upon the angle at which it is viewed); and

the hook block and the second latching part remains weakly engaged even when the elastic piece is deformed for release (engaging claw (first member **24**) may be

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released from stepped latching part **26** without releasing hook block (second member **24**) from second stepped latching part **26**; Figures 1 and 2).

As to claim 4, Mayville et al. disclose a one-touch cap comprising a lock piece **36,42** (locking elastic piece **46** onto the body) detachably inserted between the elastic piece **46** and the body (Figure 6).

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Burger (US 6,490,947).

As to claim 1, Burger discloses a one-touch cap for fixing a control cable end to a plate-like bracket **16** having a U-shaped slot **20** inside of which is provided with a stepped latching part **36** in a detachable manner, the one touch cap comprising:

a tubular body having a cable fixing part for fixing a cable end and an internal cavity extending along a longitudinal axis;

a first flange **21** to be engaged with one surface of the bracket and a second flange **21** to be engaged with another surface, both flanges being provided on the outer surface of the body with an interval between the flanges; and

an elastic piece **24** being provided between the first and second flanges; and having a base portion (frictionally) connected to a bottom of the tubular body below the longitudinal axis, an outer surface provided with an engaging claw **32** disposed above the longitudinal axis to be engaged with the stepped latching part of the bracket, and a free end **30** extending upward above the longitudinal axis with the engaging claw positioned between the base portion and the free end (Figures 1-3).

As to claim 3, Burger discloses a one-touch cap wherein:

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the bracket has a second stepped latching part **36**;

the elastic piece has a hook block (second member **32**) in addition to the engaging claw (first member **32**);

the hook block is located near the bottom of the elastic piece **24** and is capable of engaging with the second stepped latching part (examiner notes that the orientation of an object is based upon the angle at which it is viewed); and

the hook block and the second latching part remains weakly engaged even when the elastic piece is deformed for release (engaging claw (first member **32**) may be released from stepped latching part **36** without releasing hook block (second member **32**) from second stepped latching part **36**; Figure 1).

Response to Arguments

5. Applicant's arguments filed January 25, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Mayville et al. do not disclose a one-touch cap comprising an elastic piece having a base portion connected to a bottom of the tubular body *below the longitudinal axis*, an outer surface provided with an engaging claw *disposed above the longitudinal axis*, and a free end extending upward *above the longitudinal axis with the engaging claw positioned between the base portion and the free end*.

Examiner disagrees. As to claim 1, Mayville et al. disclose a one-touch cap comprising an elastic piece **46** having a base portion connected to a bottom of the tubular body below the longitudinal axis, an outer surface provided with an engaging

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claw 24 disposed above the longitudinal axis, and a free end (end of engaging claw 24) extending upward above the longitudinal axis with the engaging claw positioned between the base portion and the free end (Figures 1-5).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
02/09/05



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